

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:02-cv-01101-HHK**

JUDICIAL WATCH INC. v. UNITED STATES POSTAL
SERVICE

Assigned to: Judge Henry H. Kennedy

Case in other court: USCA-DC, 06-05075

Cause: 05:552 Freedom of Information Act

Date Filed: 06/06/2002

Date Terminated: 11/02/2004

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

JUDICIAL WATCH, INC.

represented by **Larry E. Klayman**
LAW OFFICE OF LARRY KLAYMAN
2020 Pennsylvania Avenue, NW
Suite 345
Washington, DC 20006
(310) 595-0800
Fax: (310) 651-3025
Email: leklayman@yahoo.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paul J. Orfanedes
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: porfanedes@judicialwatch.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James F. Peterson
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: jpeterson@judicialwatch.org
ATTORNEY TO BE NOTICED

Meredith Leigh Di Liberto
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: m.diliberto@yahoo.com
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES POSTAL SERVICE

represented by **Amy Allen Ruggeri**
U.S. DEPARTMENT OF JUSTICE
901 E Street, NW
Washington, DC 20004

(202) 514-4523
 Fax: (202) 616-8470
 Email: Amy.Allen@usdoj.gov
 TERMINATED: 05/21/2003
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Tamara Lynn Ulrich
 U.S. DEPARTMENT OF JUSTICE
 Civil Division, Federal Programs Branch
 P.O. Box 883
 Washington, DC 20044
 (202) 305-1432
 Fax: (202) 616-8470
 Email: tamara.ulrich@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/06/2002	<u>1</u>	COMPLAINT <i>for declaratory and injunctive relief</i> against UNITED STATES POSTAL SERVICE (Filing fee \$150). Filed by JUDICIAL WATCH INC.. (Attachments: # <u>1</u> Exhibits)(cdw,) (Entered: 06/12/2002)
06/06/2002		SUMMONS (3)Issued as to UNITED STATES POSTAL SERVICE , U.S. Attorney and U.S. Attorney General (cdw,) (Entered: 06/12/2002)
06/06/2002	<u>2</u>	LCvR 26.1 – CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests <i>by plaintiff</i> (cdw,) (Entered: 06/12/2002)
06/13/2002	<u>3</u>	PRELIMINARY ELECTRONIC CASE FILING ORDER . Signed by Judge Henry H. Kennedy, Jr. on June 13, 2002. (FL,) (Entered: 06/13/2002)
07/11/2002	<u>4</u>	ANSWER to Complaint by UNITED STATES POSTAL SERVICE. (Ruggeri, Amy) (Entered: 07/11/2002)
07/15/2002	<u>5</u>	Order for Initial Scheduling Conference: Initial Conference set for 9/6/2002 10:15 AM.. Signed by Judge Henry H. Kennedy, Jr. on July 15, 2002. (FL,) (Entered: 07/15/2002)
09/05/2002	<u>6</u>	MEET AND CONFER STATEMENT. (Orfanedes, Paul) (Entered: 09/05/2002)
09/06/2002		Minute Entry: Initial Scheduling Conference held on 9/6/2002 before Judge Henry H. Kennedy, Jr.; Directing USPS to disclose non-contested documents within 45 days of today; defendants motion for summary judgment due within 30 days after disclosure of such documents; plaintiffs response due within 30 days ; defendants reply due 21 days thereafter; plaintiff to submit order for Judge Kennedy's signature setting forth the above procedures by end of day 9/10/02. (Court Reporter Jackie Wood-Miller Reporting.) (dcn,) (Entered: 09/09/2002)
09/11/2002	<u>7</u>	Scheduling ORDER Signed by Judge Henry H. Kennedy, Jr. on September 11, 2002. (Kennedy, Henry) (Entered: 09/11/2002)
11/20/2002	<u>8</u>	MOTION for Summary Judgment by UNITED STATES POSTAL SERVICE. (Attachments: # <u>1</u> Exhibit Declaration of Mitchell Benowitz# <u>2</u> Exhibit to Declaration of Mitchell Benowitz)(Ruggeri, Amy) (Entered: 11/20/2002)
11/20/2002	<u>9</u>	NOTICE of Change of Address by Amy Allen Ruggeri (Ruggeri, Amy) (Entered: 11/20/2002)
11/27/2002	<u>10</u>	First MOTION for Extension of Time to File Response/Reply <i>Unopposed Motion for Extension of Time to File Opposition to Defendant's Motion for Summary Judgment</i> by JUDICIAL WATCH INC.. (Orfanedes, Paul) (Entered: 11/27/2002)
12/11/2002		ORDER granting <u>10</u> MOTION for Extension of Time to File Opposition to Defendant's Motion for Summary Judgment (Kennedy, Henry) (Entered: 12/11/2002)

01/03/2003	<u>11</u>	Memorandum in opposition to motion re <u>8</u> <i>for summary judgment</i> filed by JUDICIAL WATCH INC.. (Orfanedes, Paul) (Entered: 01/03/2003)
01/03/2003	<u>12</u>	RESPONSE to any document re <u>8</u> <i>Statement of Material Facts Not In Dispute</i> filed by JUDICIAL WATCH INC.. (Orfanedes, Paul) (Entered: 01/03/2003)
01/03/2003	13	CROSS MOTION for Partial Summary Judgment by JUDICIAL WATCH INC (FOR PLEADING IMAGE, SEE ENTRY #11) . (cdw,) Modified on 1/7/2003 (cdw,). (Entered: 01/07/2003)
01/27/2003	<u>14</u>	Memorandum in opposition to motion re <u>8</u> plaintiff's cross motion for partial summary judgment filed by UNITED STATES POSTAL SERVICE. (Attachments: # <u>1</u> Affidavit Supplemental Declaration of Mitchell Benowitz)(Ruggeri, Amy) Modified on 1/28/2003 (cdw,). (Entered: 01/27/2003)
01/27/2003	15	REPLY to motion re <u>8</u> defendants motion for summary judgment filed by UNITED STATES POSTAL SERVICE. (for pleading image, see entry #14) (cdw,) (Entered: 01/28/2003)
02/03/2003	<u>16</u>	REPLY in support of motion re 13 <i>Partial Summary Judgment</i> filed by JUDICIAL WATCH INC.. (Orfanedes, Paul) (Entered: 02/03/2003)
05/21/2003	<u>17</u>	NOTICE of Appearance by Tamara Lynn Ulrich on behalf of all defendants (Ulrich, Tamara) (Entered: 05/21/2003)
11/25/2003	<u>18</u>	NOTICE of Appearance by James F. Peterson on behalf of JUDICIAL WATCH INC. (Peterson, James) (Entered: 11/25/2003)
11/26/2003	<u>19</u>	NOTICE of Appearance by Paul J. Orfanedes on behalf of JUDICIAL WATCH INC. (Orfanedes, Paul) (Entered: 11/26/2003)
01/21/2004	<u>20</u>	Memorandum Opinion and Order. Signed by Judge Henry H. Kennedy, Jr., on January 21, 2004. (FL,) (Entered: 01/21/2004)
03/19/2004	<u>21</u>	MOTION for Extension of Time to File <i>Vaughn Index</i> by UNITED STATES POSTAL SERVICE. (Ulrich, Tamara) (Entered: 03/19/2004)
03/22/2004		Minute order re <u>21</u> granting the parties' unopposed motion for an extension of time. Defendant shall produce a Vaughn index no later than March 25, 2004. Signed by Judge Henry H. Kennedy, Jr., on March 22, 2004. (FL,) Official paperless order Modified on 3/22/2004 (FL,). (Entered: 03/22/2004)
03/25/2004	<u>22</u>	NOTICE by UNITED STATES POSTAL SERVICE of <i>Filing of Vaughn Index</i> (Attachments: # <u>1</u> Exhibit Vaughn Index)(Ulrich, Tamara) (Entered: 03/25/2004)
03/25/2004	<u>23</u>	Unopposed MOTION for Leave to File <i>Supplemental Brief and Declaration</i> by UNITED STATES POSTAL SERVICE. (Ulrich, Tamara) (Entered: 03/25/2004)
03/29/2004		Minute order re <u>23</u> granting defendant's unopposed motion for leave to file supplemental brief and declaration in support of exemption 7(A). Defendant shall file its brief and declaration in support of its assertion of a 7(A) exemption no later than April 12, 2004. Signed by Judge Henry H. Kennedy, Jr., on March 29, 2004. Official paperless order(FL,) (Entered: 03/29/2004)
04/12/2004	<u>24</u>	MEMORANDUM from U.S. Postal Service in Support of FOIA Exemption 7(A). (Attachments: # <u>1</u>)(Ulrich, Tamara) (Entered: 04/12/2004)
09/17/2004	<u>25</u>	NOTICE of Appearance by Meredith Leigh Cavallo on behalf of JUDICIAL WATCH INC. (Cavallo, Meredith) (Entered: 09/17/2004)
11/02/2004	<u>26</u>	Memorandum Opinion. Signed by Judge Henry H. Kennedy, Jr., on November 2, 2004. (FL,) (Entered: 11/02/2004)
11/02/2004	<u>27</u>	Judgment in favor of defendant, United States Postal Service and against plaintiff, Judicial Watch, Inc. Signed by Judge Henry H. Kennedy, Jr., on November 2, 2004. (FL,) (Entered: 11/02/2004)
11/10/2004	<u>28</u>	MOTION for Reconsideration by JUDICIAL WATCH INC.. (Attachments: # <u>1</u> Exhibit 1)(Orfanedes, Paul) (Entered: 11/10/2004)

11/15/2004	<u>29</u>	MOTION for Attorney Fees <i>and Litigation Expenses</i> by JUDICIAL WATCH INC.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6)(Orfanedes, Paul) (Entered: 11/15/2004)
11/22/2004	<u>30</u>	Unopposed MOTION for Extension of Time to File Response/Reply <i>to Plaintiff's Motion for Award of Attorney Fees and Litigation Expenses</i> by UNITED STATES POSTAL SERVICE. (Ulrich, Tamara) (Entered: 11/22/2004)
11/23/2004		Minute order granting <u>30</u> unopposed motion for extension of time. Defendant shall respond to plaintiff's motion for award of attorney's fees and litigation expenses by no later than December 20, 2004. Plaintiff's reply shall be due December 27, 2004. Signed by Judge Henry H. Kennedy, Jr., on November 23, 2004. Official paperless order (FL,) (Entered: 11/23/2004)
11/23/2004		Set Deadlines: Defendant's Responses to Plaintiff's motion for attorney fees and costs due by 12/20/2004 and Plaintiff's Reply due by 12/27/2004. (rew,) (Entered: 11/23/2004)
11/24/2004	<u>31</u>	Memorandum in opposition to motion re <u>28</u> <i>reconsideration</i> filed by UNITED STATES POSTAL SERVICE. (Ulrich, Tamara) (Entered: 11/24/2004)
11/30/2004		MINUTE ORDER denying <u>28</u> Motion for Reconsideration (Kennedy, Henry) (Entered: 11/30/2004)
12/20/2004	<u>32</u>	Memorandum in opposition to motion re <u>29</u> <i>Attorneys' Fees and Litigation Expenses</i> filed by UNITED STATES POSTAL SERVICE. (Attachments: # <u>1</u> Exhibit A)(Ulrich, Tamara) (Entered: 12/20/2004)
12/22/2004	<u>33</u>	REPLY to opposition to motion re <u>29</u> <i>Defendant's Opposition to Plaintiff's Motion For Award of Attorney's Fees</i> filed by JUDICIAL WATCH INC.. (Orfanedes, Paul) (Entered: 12/22/2004)
01/06/2005	<u>34</u>	Order referring <u>29</u> "Motion for Attorney Fees and Litigation Expenses" to United States Magistrate Judge Robinson for report and recommendation. Signed by Judge Henry H. Kennedy, Jr., on January 6, 2005. (FL,) Modified on 1/6/2005 (FL,). (Entered: 01/06/2005)
01/12/2005		Remark by the Clerk referring for appointment of Magistrate Judge Robinson for Order #34. (rew,) (Entered: 01/12/2005)
01/12/2005		CASE REFERRED to Magistrate Judge Deborah A. Robinson for motion for attorney fees and litigation expenses. (jsc) (Entered: 01/12/2005)
02/04/2005		Minute Entry for proceedings held before Judge Deborah A. Robinson : Telephone Conference held on 2/4/2005. (EW) (Entered: 02/04/2005)
06/20/2005		Set Hearing: Telephone Conference set for Tuesday, 6/21/2005 @ 04:00 PM in before Magistrate Judge Deborah A. Robinson. (EW) (Entered: 06/20/2005)
06/21/2005		Minute Entry for proceedings held before Magistrate Judge Deborah A. Robinson : Telephone Status Conference held on 6/21/2005. (EW) (Entered: 06/21/2005)
08/10/2005	<u>35</u>	NOTIFICATION OF SUPPLEMENTAL AUTHORITY by JUDICIAL WATCH INC. (Attachments: # <u>1</u> Attachment)(Orfanedes, Paul) (Entered: 08/10/2005)
09/13/2005	<u>36</u>	REPORT AND RECOMMENDATION GRANTING (Docket No. 29) MOTION for Attorney Fees and Litigation Expenses filed by Magistrate Judge Deborah A. Robinson(jrs) (Entered: 09/13/2005)
09/30/2005	<u>37</u>	OBJECTION to <u>36</u> Report and Recommendations. (Ulrich, Tamara) (Entered: 09/30/2005)
10/03/2005	<u>38</u>	Unopposed MOTION for Extension of Time to File Response/Reply <i>To Defendant's 37 Objection to 36 Magistrate Judge Report</i> by JUDICIAL WATCH INC. (Attachments: # <u>1</u> Text of Proposed Order)(Orfanedes, Paul) Modified on 10/4/2005 (lc,). (Entered: 10/03/2005)
10/04/2005		Minute order granting <u>38</u> plaintiff's unopposed motion for extension of time to file its response to defendant's objections to the Magistrate Judge's report and recommendation. Plaintiff shall have up to and including October 21, 2005, to file

		its response to defendant's objections. Signed by Judge Henry H. Kennedy, Jr., on October 4, 2005. Official paperless order (FL,) (Entered: 10/04/2005)
10/21/2005	<u>39</u>	RESPONSE to <i>Defendant's Objections to the Magistrate Judge's Report and Recommendation</i> filed by JUDICIAL WATCH INC.. (Orfanedes, Paul) (Entered: 10/21/2005)
10/31/2005	<u>40</u>	MOTION for Leave to File <i>Reply</i> by UNITED STATES POSTAL SERVICE. (Attachments: # <u>1</u>)(Ulrich, Tamara) (Entered: 10/31/2005)
11/02/2005	<u>41</u>	Memorandum in opposition to motion re <u>40</u> / <i>Motion for Leave to File Reply</i> filed by JUDICIAL WATCH INC.. (Cavallo, Meredith) (Entered: 11/02/2005)
12/29/2005		MINUTE ORDER granting <u>40</u> Motion for Leave to File (Kennedy, Henry) (Entered: 12/29/2005)
12/29/2005	<u>42</u>	ORDER granting <u>29</u> Motion for Attorney Fees (Kennedy, Henry) (Entered: 12/29/2005)
12/29/2005	<u>43</u>	REPLY to <u>37</u> RESPONSE to Defendant's Objections to the Magistrate Judge's Report and Recommendation filed by UNITED STATES POSTAL SERVICE. (lc,) (Entered: 01/03/2006)
02/24/2006	<u>44</u>	NOTICE OF APPEAL as to <u>42</u> Order on Motion for Attorney Fees by UNITED STATES POSTAL SERVICE. Filing fee \$0. (nmw,) (Entered: 02/27/2006)
02/28/2006		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>44</u> Notice of Appeal (lc,) (Entered: 02/28/2006)
03/17/2006		USCA Case Number 06-5075 for <u>44</u> Notice of Appeal filed by UNITED STATES POSTAL SERVICE,. (lc,) (Entered: 03/21/2006)
05/25/2006	<u>45</u>	ORDER of USCA (certified copy) as to <u>44</u> Notice of Appeal filed by UNITED STATES POSTAL SERVICE; It is hereby ordered on the courts own motion that the courts order dismissing this appeal filed May 24, 2006 be vacated; USCA#06-5075 (jsc) (Entered: 06/23/2006)